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January 30, 2024

MEMO ENDORSED

VIA ECF

The Honorable Valerie E. Caproni
United States District Court
Southern District of New York
40 Foley Square,
New York, NY 10007

**Re: Case Management Statement and Initial Pretrial Conference;
Venkatesh v. Mondee Holdings, Inc., et al., 23-CV-10734 (VEC)**

Dear Judge Caproni,

We represent Defendants Mondee Holdings, Inc. (“Mondee”) and Prasad Gundumogula (“Mr. Gundumogula”) in the above-captioned matter. We write on behalf of all parties respectfully to request that the Court adjourn the deadline for the parties’ submission of a Case Management Statement and associated Joint Letter, and the currently scheduled Initial Pretrial Conference (*see* Dkt. 5), until after the Court has decided Defendants’ anticipated motion(s) to dismiss.

On December 12, 2023, the Court entered a Notice of Initial Pretrial Conference, directing the parties to submit a Case Management Statement and associated Joint Letter by February 1, 2024, and to appear for an Initial Case Management Conference on February 9, 2024. (Dkt. 5.) Pursuant to the Private Securities Litigation Reform Act (the “PSLRA”), which applies to this action given Plaintiff’s assertion of a claim under Section 10(b) of the Securities Exchange Act of 1934 against Mondee and Mr. Gundumogula, all discovery will be stayed upon those defendants’ filing of a motion to dismiss Plaintiff’s Section 10(b) claim. *See Mangrove Partners Master Fund, LP v. 683 Cap. Partners, LP*, No. 20-cv-2290, 2020 WL 7335313, at *2 (S.D.N.Y. Dec. 14, 2020) (discovery stay applies to actions brought by individual plaintiffs); *In re Smith Barney Transfer Agent Litig.*, No. 05-cv-7583, 2006 WL 1738078, at *3 (S.D.N.Y. June 26, 2006) (discovery stay applies to pendent state law claims). Specifically, the PSLRA requires that “all discovery and other proceedings [] be stayed during the pendency of any motion to dismiss.” 15 U.S.C. § 78u-4(b)(3)(B).

Defendants Mondee and Mr. Gundumogula intend to move to dismiss Plaintiff’s Section 10(b) claim by February 12, 2024, which is Defendants’ deadline to respond to the Complaint. (Dkt. 12.) As such, all discovery will be stayed at that time, and will not commence unless and until the Court, in deciding their motion, permits that claim to proceed.

Accordingly, in light of the imminent discovery stay, the parties respectfully request that the Court adjourn the deadline for the parties’ submission of a Case Management Statement and associated Joint Letter, and the currently scheduled Initial Pretrial Conference (*see* Dkt. 5), until after the Court has decided

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Defendants' anticipated motion(s) to dismiss. We are available to answer any questions the Court may have.

Respectfully,

John C. Scalzo

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cc: All counsel of record (*via* ECF)

Application GRANTED. The Initial Pretrial Conference and accompanying deadlines to submit a joint letter and proposed case management plan are ADJOURNED sine die. The Court will reschedule the Conference and deadlines following resolution of Defendants' forthcoming motions to dismiss, if Defendants' motions are denied.

SO ORDERED.



1/30/2024

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE